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PATENTS
ODS-37

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : John Hindman et al.
Application No. : 09/827,509 Confirmation No. : 6107
Filed : April 5, 2001
For : SYSTEMS AND METHODS FOR PROVIDING THE
PROJECTED EFFECTS OF WAGERS ON
PARIMUTUEL POOLS
Group Art Unit : 3714
Examiner : Corbett B. Coburn

Mail Stop AF
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Date of Deposit: March 24, 2006

I hereby certify that this certification and the following papers and fees:

1. Supplemental Pre-Appeal Brief Request for Review (in duplicate)

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Name: Isatta B. Smith



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SUPPLEMENTAL PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully request consideration of this Supplemental Pre-Appeal Brief Request in the above-identified patent application. The Supplemental Request provides remarks in reply to the Advisory Action mailed after applicants' March 16, 2006 Pre-Appeal Brief Request for Review.

Applicants believe that no fee is due in connection with this Supplemental Pre-Appeal Brief Request. However, if for any reason a fee is due, the Director is hereby authorized to charge payment of any fees due to Deposit Account No. 06-1075, Order No. 003043-0037. A duplicate copy of this Supplemental Pre-Appeal Brief Request is enclosed.

Remarks begin on page 2 of this paper.

REMARKS

In the March 16, 2006 Advisory Action, the Examiner appears to concede that Gordon U.S. Patent 2,271,508 (hereinafter "Gordon") does not specifically teach a method of inputting proposed bets. (See March 16, 2006 Advisory Action, p. 3). Nevertheless, the Examiner contends that Gordon "contemplates proposed bets" because an alternative resistance varying device of Gordon permits deductions to be made. Applicants respectfully disagree.

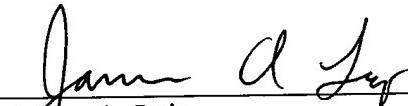
Gordon states that the resistance varying devices (i.e., wager input devices) may take various forms and states that a preferred form is disclosed in FIGS. 2-4. (See page 3, col. 2, ll. 30-32). The preferred device mechanically rotates discs to increase the resistances. Spring fingers 97 prevent retrograde turning of the discs (i.e., deductions can not be made). The device also includes cam element 96 that "permit[s] rotation of the discs back to the starting or initial position" (page 4, col. 1, ll. 44-45). Accordingly, Gordon's preferred resistance varying device does not allow deductions to be made, but includes a cam element to reset the discs.

Gordon shows an alternative resistance varying device in FIG. 5. The device in FIG. 5 rotates the discs using motors 99, 114, and 115. The alternative device, however, does not include a cam element for resetting the discs. Instead, Gordon states that reversal of the motors permits deductions to be made (page 5, col. 1, ll. 2-5).

The Examiner contends that the "deductions [in the alternative device] can only make sense if Gordon contemplates 'proposed bets'" (March 16, 2006 Advisory Action, p. 3). Applicants respectfully disagree. The alternative device, unlike the preferred device, does not include a mechanism to reset the discs. Therefore, applicants submit that the reversal feature of the alternative embodiment is likely provided to allow the discs to be reset in preparation for betting on the next race.

In view of the foregoing and applicants remarks in the March 16, 2006 Pre-Appeal Brief Request, nothing in Gordon suggests that the deductions in the alternative device are used to allow proposed wager amounts to be inputted. Furthermore, the notable absence of the cam element in the alternative device suggests that the deductions are only for resetting the discs. Accordingly, Gordon fails to show or suggest providing the projected effect a user's proposed wager would have on the parimutuel pool (independent claim 1) or the effect the proposed wager would have on the current odds (independent claim 17). Applicants therefore submit that the rejection of claims 1-31 under 35 U.S.C. § 103(a) should be withdrawn.

Respectfully submitted,



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